

REMARKS

In the Office Action dated January 29, 2010, the Examiner indicates that restriction of the claims is required under 35 U.S.C. 121 and 372. More specifically, the Examiner states that the Application contains the following inventions or groups of inventions that are not so linked as to form a single general inventive concept under PCT Rule 13.1:

- I. Group 1, claims 1-10 and 15-18, drawn to a method for manufacturing an electrode catalyst layer;
- II. Group II, claim 11, drawn to an electrode; and
- III. Group III, claim 12, drawn to a battery.

The Examiner reasons that at least claim 11 is unpatentable over two separate references and so lacks the same or corresponding technical features of the other groups. The Examiner states that, in accordance with 37 CFR 1.499, Applicants are required to elect a single invention to which the claims must be restricted.

Applicants select Group I, directed to claims 1-10 and 15-18. This selection is made to further prosecution only and is not to be construed as agreement with the Examiner's position regarding claim 11 or any other claim.

Applicant submits that no new matter is added to the Application as filed. Consideration of the Application as amended is respectfully requested.

The Examiner is invited to contact the undersigned at the telephone number listed below if the Examiner believes an Examiner's amendment would expedite prosecution of the Application.

Respectfully submitted,

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